

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) NO. 2:03-CR-103
)
GARRETT JOHNSON)

ORDER

This criminal matter is before the Court to consider a motion for a writ of mandamus filed by the defendant requesting that the Court order that he receive a kidney transplant and/or that he receive Compassionate Release or home confinement to receive a kidney transplant. It is clearly settled that, after a defendant is sentenced, the Bureau of Prisons ("BOP"), and not the district judge, has authority to determine the place of confinement.

Although this Court did recommend that the defendant receive an expedited designation to a medical facility that could meet his need for dialysis and a kidney transplant, the BOP may consider the recommendation of the sentencing judge, but the judge's views are not controlling. 18 *U.S.C.A.* §§ 3585(a) and (b), 3621(b), 3624(b); *United States v. Wilson*, 503 U.S. 329 (1992); *United States v. Pineyro*, 112 F.3d 43 (2nd Cir. 1997).

Accordingly, this Court does not have jurisdiction to order the relief requested by the defendant, and it is hereby **ORDERED** that the defendant's motion is **DENIED**. [Doc. 150].

E N T E R:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE